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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,317	11/21/2003	Sumita Rao	UTL 00388	3079
32968 7590 01/10/2011 KYOCERA INTERNATIONAL INC. INTELLECTUAL PROPERTY DEPARTMENT P.O. BOX 928289 SAN DIEGO, CA 92192				
EXAMINER WIENER, ERIC A				
ART UNIT 2179		PAPER NUMBER		
NOTIFICATION DATE 01/10/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/719,317

Applicant(s)

RAO, SUMITA

Examiner

Eric Wiener

Art Unit

2179

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-942)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the following communications: Amendment and Remarks filed on 11/5/2010.

This action is made final.

2. The status of the claims is as follows:
- Claims 30-43 are pending.
 - Claims 1-29 have been cancelled.
 - Claim 30 is the independent claim.
 - Claims 30-43 have been rejected by the Examiner.

3. Please note that any specific prior art relied upon in rejecting any pending claims is considered the most relevant art pertaining to those claims of all prior art of current record. However, the prior art made of record and not relied upon is still considered pertinent to the *Applicant's Disclosure*. Please refer to the *Conclusion of this Office Action* for additional reference to other such pertinent prior art.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 30-40, 42, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Mathews et al. (US 7,500,198 B2).**

As per independent claim 30, Mathews discloses a method for arranging and playing a media presentation, comprising:

- receiving a selection of a plurality of media objects to be included in a media presentation, receiving configuration instructions for ordering the plurality of media

objects in the media presentation, and generating a media package comprising the selected media objects in said order (column 3, line 56 – column 4, line 59; column 5, lines 9 – 11; column 6, lines 39 – 67; column 8, lines 54-60). Specific reference is made to column 4, lines 29-59, which discloses that "theme generator 53" and "pack generator 58" are part of the "computer based portion" of the "system 50" and "the theme generator 53 can create instructions used to specify a layout of screen elements." This has been interpreted to mean that a plurality of screen elements (i.e. media objects) is configured through instructions to have a specified layout (i.e. an ordering). In addition, regarding the disclosure that the specification of the layout order of the screen element media objects are "provided by the theme generator 53 to the reseditor 57" and that "[t]he reseditor 57 in conjunction with the pack generator 58 and DLL portions 56 and 57 essentially create a theme pack," it has further been interpreted that the creation of the theme pack sufficiently corresponds to a generation of a media package comprising selected screen element media objects in a specified layout order. Furthermore, specific reference is made to column 8, lines 54-60, which discloses that a single theme pack (i.e. comprehensive media package) that is to be downloaded may comprise multiple theme types, wherein this has been interpreted to mean that multiple screen element specifications (i.e. theme types) may be included in a single theme pack that may be downloaded as a comprehensive media package including all the particular theme types and associated files.

- identifying a trigger event to be associated with the media package, generating an association list, and associating said trigger event with said media package in said association list (column 4, lines 19 – 44; column 5, lines 47 – 65; column 6, lines 23 – 38; and column 8 line 64 – column 9, line 2). Specific reference is made to column 8, line 64 – column 9, line 2, which discloses that "the theme pack includes a plurality of theme types associated with the environmental event which is at least one of a receipt of a message, a recognized incoming call, detection of a particular image by the camera, and detection of a device attachment to the portable communication device." This has been interpreted to mean that the theme pack (i.e. comprehensive media package) that is to be downloaded includes a plurality of theme types (i.e.

types of single media packages) which are also listed as including an association with an environmental event (i.e. trigger event), wherein such a listing of associations between theme types and environmental events has further been interpreted as sufficiently corresponding to an association list, such as claimed. Thus, the comprehensive theme pack media package includes theme types that have been associated with trigger events, wherein such associations are listed within the comprehensive theme pack media package, and therefore have been interpreted as being included in the comprehensive theme pack media package in the form of an association list.

- transmitting the media package and said association list to a wireless communication device for storage on the wireless communication device (column 4, lines 54 – 59; column 5, line 66 – column 6, line 22; and column 6, line 64 – column 7, line 3). Specifically, referring to column 4, lines 54-59, it is disclosed that “a theme pack [] is typically down-loaded using a pack manager 63 to a downloadable area 62 in the subscriber unit,” wherein this has been interpreted as sufficiently disclosing that a theme pack, such as a comprehensive theme pack media package that includes theme types and corresponding association lists, is transmitted to a wireless communication device for storage on the wireless communication device.

As per claim 31, and taking into account the rejection of claim 30, Mathews further discloses that the trigger event is a call processor event (column 7, lines 3 – 41).

As per claim 32, and taking into account the rejection of claim 31, Mathews further discloses that the call processor event is a call ended event (column 7, lines 31 – 41).

As per claim 33, and taking into account the rejection of claim 31, Mathews further discloses that the call processor event is a call dropped event (column 7, lines 31 – 41).

As per claim 34, and taking into account the rejection of claim 31, Mathews further discloses that the call processor event is a call received event (column 7, lines 3 – 41).

As per claim 35, and taking into account the rejection of claim 34, Mathews further discloses that the call received event is a voice call received event (column 7, lines 3 – 41).

As per claim 36, and taking into account the rejection of claim 34, Mathews further

discloses that the call received event is a paging call received event (column 7, lines 3 – 41).

As per claim 37, and taking into account the rejection of claim 34, Mathews further discloses that the call received event is an SMS message received event (column 5, line 57).

As per claim 38, and taking into account the rejection of claim 34, Mathews further discloses that the call received event is a text message received event (column 5, line 57).

As per claim 39, and taking into account the rejection of claim 30, Mathews further discloses that the trigger event is a key press event (column 5, lines 55 – 56).

As per claim 40, and taking into account the rejection of claim 30, Mathews further discloses that the trigger event is a wireless device status event (column 4, lines 21 – 28 and column 5, lines 50 – 61).

As per claim 42, and taking into account the rejection of claim 40, Mathews further discloses that the wireless device status event is a no carrier received event (column 4, lines 25 – 26 and column 5, line 59).

As per claim 43, and taking into account the rejection of claim 30, Mathews further discloses that the trigger event is a position location event (column 4, lines 25 – 26; column 5, line 56; and column 7, lines 56 – 66).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mathews et al. (US 7,500,198 B2) in view of Hansson (US 6,323,775 B1).**

As per claim 41, Mathews sufficiently discloses the limitations of claim 40.

Mathews does not explicitly disclose that the wireless device status event is a low battery condition event.

Nevertheless, in an analogous art, Hansson discloses that a wireless device status event may be a low battery condition event (column 1, line 57 – column 2, line 17).

Both Mathews and Hansson pertain to the analogous art of updatable displays of portable communication devices (Mathews, Abstract and Hansson, column 1, lines 7 – 11), and thus one would look to the other for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Hansson discloses that “there exists a need to notify the user of a low battery condition in a manner that increases the likelihood that the battery can and will be recharged” (Hansson, column 2, lines 14 – 17). Furthermore, Mathews discloses that “current mobile handsets do not have interfaces or other functionality that dynamically changes based on internal or external triggers related to the mobile handsets” (Mathews, column 1, lines 36 – 39). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Mathews and Hansson, because one would appreciate the ability to use internal or external triggers to notify users of relevant functionality such as the condition of the battery.

Response to Arguments

8. Applicant’s arguments filed on 11/5/2010 have been fully considered, but are not persuasive.

9. Regarding claim 30, Applicant presents the following arguments:

“[N]one of the cited passages of the Mathews reference disclose the combination of generating an association list and transmitting the association list to a wireless device. Indeed, while Mathews discloses several types of trigger events and how they are responded to, Mathews fails to disclose the details of the process by which particular themes are associated with particular events. One skilled in the art would understand Mathews as teaching that the associations are selected by a user at the wireless device. Nowhere does Mathews disclose or even suggest that its events are associated with its themes at a first device and then an association list of trigger events and themes are sent to a second device.”

In response to these arguments, the Examiner respectfully disagrees. Please refer to the further detailed rejection of claim 30, *supra*, and cited passages therein, which includes further detailed explanations of the relationship between the cited passages of Mathews and the claim

language.

Furthermore, regarding claim 30, specific reference is made to column 4, lines 29-59, which discloses that "theme generator 53" and "pack generator 58" are part of the "computer based portion" of the "system 50" and "the theme generator 53 can create instructions used to specify a layout of screen elements." This has been interpreted to mean that a plurality of screen elements (i.e. media objects) is configured through instructions to have a specified layout (i.e. an ordering). In addition, regarding the disclosure that the specification of the layout order of the screen element media objects are "provided by the theme generator 53 to the reseditor 57" and that "[t]he reseditor 57 in conjunction with the pack generator 58 and DLL portions 56 and 57 essentially create a theme pack," it has further been interpreted that the creation of the theme pack sufficiently corresponds to a generation of a media package comprising selected screen element media objects in a specified layout order. Furthermore, specific reference is made to column 8, lines 54-60, which discloses that a single theme pack (i.e. comprehensive media package) that is to be downloaded may comprise multiple theme types, wherein this has been interpreted to mean that multiple screen element specifications (i.e. theme types) may be included in a single theme pack that may be downloaded as a comprehensive media package including all the particular theme types and associated files.

In addition, specific reference is made to column 8, line 64 – column 9, line 2, which discloses that "the theme pack includes a plurality of theme types associated with the environmental event which is at least one of a receipt of a message, a recognized incoming call, detection of a particular image by the camera, and detection of a device attachment to the portable communication device." This has been interpreted to mean that the theme pack (i.e. comprehensive media package) that is to be downloaded includes a plurality of theme types (i.e. types of single media packages) which are also listed as including an association with an environmental event (i.e. trigger event), wherein such a listing of associations between theme types and environmental events has further been interpreted as sufficiently corresponding to an association list, such as claimed. Thus, the comprehensive theme pack media package includes theme types that have been associated with trigger events, wherein such associations are listed within the comprehensive theme pack media package, and therefore have been interpreted as being included in the comprehensive theme pack media package in the form of an association

list.

In addition, referring to column 4, lines 54-59, it is disclosed that “a theme pack [] is typically down-loaded using a pack manager 63 to a downloadable area 62 in the subscriber unit,” wherein this has been interpreted as sufficiently disclosing that a theme pack, such as a comprehensive theme pack media package that includes theme types and corresponding association lists, is transmitted to a wireless communication device for storage on the wireless communication device.

Conclusion

10. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

11. The prior art made of record and not relied upon is considered pertinent to the *applicant's disclosure*. The cited documents represent the general state of the art.

Cited art of particular note includes, but is not limited to:

- **Noesgaard et al. (US 7,113,809 B2)**
- **Haller et al. (US 6,909,878 B2)**
- **Giacalone, Jr. (US 7,228,341 B2)**
- **Kirby et al. (US 2004/0165006 A1)**
- **Lowe (US 7,123,696 B2)**
- **Merrill et al. (US 2004/0002943 A1)**
- **Freeman et al. (US 5,861,881)**
- **Hempleman et al. (US 6,243,725 B1)**
- **Irvin (US 6,360,101 B1)**
- **Wells et al. (US 5,870,683)**
- **Makipaa et al. (US 2003/0169306 A1)**
- **Farber et al. (US 5,819,284)**
- **Knepper (US 6,763,272 B2)**

- **Loughran (US 7,231,198 B2)**
- **King et al. (US 2002/0055992 A1)**
- **Fukuda (US 6,810,115 B2)**

12. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401 and whose fax number is 571-270-2401. The Examiner can normally be reached during regular Office business hours, Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric Wiener/
Examiner, Art Unit 2179

/Ba Huynh/
Primary Examiner, Art Unit 2179